

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**SB 1575 – HB 2106**

March 26, 2018

**SUMMARY OF ORIGINAL BILL:** Changes from 30 to 15 days the length of time a sheriff has to notify the county legislative body and the Department of Correction (DOC) that an inmate has escaped during work detail.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (014551):** Deletes and rewrites the proposed legislation to add juvenile offenders to Tenn. Code Ann. § 41-4-121 regarding the safekeeping of prisoners and sufficient jails. Authorizes, rather than requires, a court to order commitment to another jail if required for the safekeeping of the prisoner. Broadens a court's authorization to commit juvenile prisoners to sufficient jails. Requires a hearing to be held regarding the insufficiency of the county jail, and requires the court to consider restricting the use of solitary confinement. Prohibits offenders from being transferred to a state facility.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Decrease State Expenditures – \$1,118,700 Incarceration\***

**Increase Local Expenditures – \$991,500 Incarceration\*\***

Assumptions for the bill as amended:

- Tennessee Code Annotated § 41-4-121(a) allows a sheriff to transfer a prisoner to a nearby county jail for the prisoner's safekeeping if the county jail is insufficient for the safekeeping of the prisoner.
- Tennessee Code Annotated § 41-4-121(b) requires a court to order commitment to a nearby county jail when the court is shown that the county in which commitment should be made is insufficient for the safekeeping of the prisoner.
- The proposed legislation adds juvenile offenders to those prisoners that may be transferred under Tenn. Code Ann. § 41-4-121 for their safekeeping.
- The proposed legislation gives the court the discretion, rather than requiring the court, to determine if the commitment to another jail or prison is necessary for the safekeeping of the prisoner. The proposed legislation requires a hearing to be held before determining the insufficiency of the county jail and requires the court to consider restricting the use of solitary confinement.

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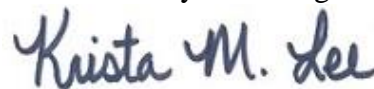
- The proposed legislation requires that all orders issued under Tenn. Code Ann. § 41-4-121 be reviewed every 30 days to determine if the order issued should remain in place, be modified or terminated.
- The proposed legislation, additionally, prohibits any offenders from being transferred to the Department of Correction (DOC).
- According to the DOC, there has been an average of 61 offenders in DOC custody per year over the last three years that were classified as “safekeepers”. These offenders stayed an average of 258 days in DOC custody.
- According to the DOC the average operating cost per offender per day for calendar year 2018 is \$71.08.
- The proposed legislation would decrease state incarceration costs by \$1,118,700 (61 offenders x 258 days x \$71.08).
- According to the DOC, the department is not reimbursed by local governments to house these “safekeepers”.
- The proposed legislation will result in an average of 61 offenders being unable to be transferred to DOC custody, therefore transferred to another local jail.
- The estimated 2018 cost per inmate per day for local jails is \$63.00.
- The proposed legislation would increase local incarceration costs by \$991,494 (61 offenders x 258 days x \$63.00).
- The proposed legislation will impact the caseload of the courts as it will increase the number of hearings conducted and require a court to review its order under the proposed legislation every 30 days. However, any impact to the courts can be accommodated within their existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

*\*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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